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Attorney's Docket No. 4691/238910

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Halpaus et al. Confirmation No.: 9472
Appl. No.: 09/868,716 Group Art: 3632
Filed: November 28, 2001
For: DEVICE FOR FIXING VARIOUS TYPES OF OBJECTS
CEILINGS AND WALLS

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February 11, 2002

Commissioner for Patents
Washington, DC 20231

SUBMITTAL OF TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT

Sir:

For the information of the Examiner, enclosed is a copy of the English translation of the International Preliminary Examination Report as prepared by the International Bureau.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington, DC 20231, on February 11, 2002.

Joyce D. Smith
Joyce D. Smith

Translation



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3469/I/002	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE00/00360	International filing date (day/month/year) 05 February 2000 (05.02.00)	Priority date (day/month/year) 23 March 1999 (23.03.99)
International Patent Classification (IPC) or national classification and IPC F16L 3/24		
Applicant HALPAUS, Wolfgang		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of 1 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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Date of submission of the demand 19 August 2000 (19.08.00)	Date of completion of this report 25 June 2001 (25.06.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE00/00360

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-10 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 2-22 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1 _____, filed with the letter of _____ 21 March 2001 (21.03.2001)
- ☒ the drawings:
 pages _____ 1/2,2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

CONTINUATION OF BOX I.5

The applicant has replaced the following feature in Claim 1, "the engaging part is connected to the contact part by elastic means", by the feature, "elastic means operate between the engaging part and the contact part". The replacement of this feature introduces substantive matter which goes beyond the original disclosure in the international application as filed. If elastic means simply operate between the engaging part and the contact part, further elements could also be present between the elastic means and the engaging part and contact part. However, this was not originally disclosed. The amendment therefore contravenes PCT Article 34(2)(b).

Moreover, pursuant to PCT Article 34(2)(b), the feature, "and to hold it in said position", should not have been deleted from Claim 1.

The present report has been established as if these amendments had not been made (PCT Rule 70.2(c)).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 00/00360

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 22	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 22	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 22	YES
	Claims		NO

2. Citations and explanations

1. Claim 1

Document DE-A-196 17 750, which is considered to be the closest prior art, discloses

a device for fixing any type of object to ceilings or walls, said device comprising a receiving element that can be directly associated with the ceiling or wall, and an anchoring unit for retaining the objects, the anchoring unit comprising an engaging part that engages the receiving element, a contact part which pushes against the receiving element so as to act like a stop, and connecting means connected to at least the contact part for connecting with a connection element, the anchoring unit being fixed by rotating the engaging part in its engaged position in relation to the contact part, within the receiving element, until it engages from behind shoulders arranged on both sides of the receiving element, the engaging part being connected to the contact part by elastic means which reverse the rotational movement between the contact part and the engaging part in order to bring the engaging part within the receiving element into the position

for engagement from behind when the contact part is rotated and hold it in said position.

The available prior art neither discloses nor suggests the remaining features of Claim 1, which specify that the elastic means are designed and arranged in such a way that they are at least slightly moved or compressed between the contact part and the engaging part when the contact part is rotated in relation to the engaging part, separating the engaging part from the contact part pushing against the receiving element and creating a space in order to enable the engaging part to engage the shoulders from behind. The space created by the elastic means dispenses with the known ramp-shaped elements on the engaging or contact part, and hence simplifies the device as a whole.

The subject matter of Claim 1 therefore appears to meet the requirements of PCT Article 33(2) and (3).

2. Claims 2-22

Dependent Claims 2-22 concern developments of the inventive concept of Claim 1 and therefore likewise appear to meet the requirements of PCT Article 33(2) and (3).

3. The subject matter of Claims 1-22 is obviously industrially applicable (PCT Article 33(4)).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 00/00360

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Claims 2 and 3 should be removed because their features are contained in Claim 1.
2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document DE-A-196 17 750 and does not indicate the relevant prior art disclosed therein.
3. Contrary to PCT Rule 5.1(a)(iii), the description is not in line with the claims.